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LOK SABHA

The following Bills were introduced in Lok Sabha on the 5th September, 1958:—

BILL NO. 62 OF 1958.

A Bill to provide for the repeal of the Mahendra Partab Singh Estates Act, 1923.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

1. This Act may be called Mahendra Partab Singh Estates Short title. (Repealing) Act, 19

5. On such day as the Central Government may publish in the Repeal. Official Gazette, the Mahendra Partab Singh Estates Act, 1923 shall stand repealed.

10. In this Act, unless there is anything repugnant in the subject, Definition. "Property" shall include conversion in cash or otherwise, of property enumerated in the schedule to the Mahendra Partab Singh Estates Act, 1923.

15. Subject to other provisions of this Act, the properties of Shri Properties Mahendra Partab including the properties shown in the schedule to inherited by the Mahendra Partab Singh Estates Act, 1923, which were attached to Amrit Pratap Singh to be divested and to be vested in Mahendra Partab Singh. to His Majesty and granted to Shri Prem Pratap Singh by the then Government of India and after his demise inherited by Shri Amrit Pratap Singh, shall divest from Shri Amrit Pratap Singh or his guardian or representative and shall vest in Shri Mahendra Partab Singh.

Saving of
rights of
certain
people.

5. Nothing shall affect any rights of any person other than Shri Prem Pratap Singh, his heirs and Shri Amrit Pratap Singh, legally acquired after the Mahendra Pratab Singh Estates Act, 1923 came ~~24 of 1923~~ into force.

STATEMENT OF OBJECTS AND REASONS

To secure freedom for India, Raja Mahendra Partab defied the British Rule in India and established the Provisional Government of India in 1915 in Afghanistan. As a consequence of his activities in foreign countries, his estates were attached by the then Government of India under the Bengal State Prisoners Regulation and later on in 1923, they were forfeited to His Majesty and granted to his son Shri Prem Partap Singh under the Mahendra Partab Singh Estates Act, 1923, which was specially enacted for the purpose.

2. Shri Mahendra Partab Singh's estates were attached, forfeited and granted to his son for his acts of patriotism and love of freedom of our country, and hence it is but proper and just to repeal the Mahendra Partab Singh Estates Act, 1923, and to divest interests of Shri Amrit Pratap Singh, the son of Shri Prem Pratap Singh in properties attached and forfeited and granted to Shri Prem Pratap Singh and to vest or restore the properties to Shri Mahendra Partab Singh.

3. It is possible that some of the properties may have been transferred to some persons either by Shri Prem Pratap Singh or Shri Amrit Pratap Singh or their guardians or representatives. It is also possible that some of the properties may have passed legally under the Zamindari Abolition Act or such Acts. Clause 5 of the Act shall save interests created in favour of persons by such Acts.

4. The Bill is intended to put Shri Mahendra Partab Singh in the position he enjoyed before his estates were attached or forfeited and granted to Shri Prem Pratap Singh.

Hence this Bill.

NEW DELHI;
The 3rd April, 1958.

PURUSHOTTAMDAS R. PATEL.

BILL No. 70 or 1958

A Bill further to amend the Representation of the People Act, 1951.

Be it enacted by Parliament in the Ninth Year of the Republic of India as follows :

Short title. 1. This Act may be called the Representation of the People (Amendment) Act, 19

Amendment of section 56. 2. In section 56 of the Representation of the People, 1951 (hereinafter referred to as the principal Act), after the proviso, the following further proviso shall be inserted, namely:—

“Provided further that the day so fixed for poll in a constituency shall be declared a holiday.”

Amendment of section 123. 3. In section 123 of the principal Act, after sub-section (7), the following sub-sections shall be inserted, namely:—

“(8) The spoiling of walls of public or private buildings by putting any election stencil over them by a candidate or his agent, or by any other person.

(9) The use of long cloth banners put up at different places ¹⁵ on the roads indicating the name of the candidate.”

STATEMENT OF OBJECTS AND REASONS

The object of the Bill is to declare the day fixed for poll in a constituency a public holiday by amending section 56 of the Representation of the People Act, 1951.

In the last general elections and also during the recent bye-elections it was noticed that a lot of money was wasted by the candidates and their supporters by putting stencils on walls, by hanging cloth banners which are either frequently removed or spoiled. Stencils are often painted on the walls of the buildings private as well as public thereby disfiguring them. Such a practice is clearly undesirable and can be given up without any material disadvantage to the candidate. It is proposed to amend section 123 of the Act so as to declare such practices as corrupt practices.

RADHA RAMAN.

NEW DELHI;

The 8th May, 1958.

BILL No. 20 of 1958

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

Short title and commencement. 1. (1) This Act may be called the Constitution (Amendment) Act, 19

(2) It shall come into force at once. 5

Amendment of article 134. 2. In clause (1) of article 134 of the Constitution, sub-clause (c) shall be omitted.

Amendment of article 136. 3. In clause (1) of article 136 of the Constitution,—
 (1) the word “special” shall be omitted.
 (2) the words “and on the leave being granted, the appeal to be *ipso facto* taken to be admitted.” shall be added at the end.

Amendment of article 145. 4. In clause (1) of article 145 of the Constitution, sub-clause (d) shall be omitted and sub-clauses (e), (f), (g), (h), (i) and (j) shall be renumbered as sub-clauses (d), (e), (f), (g), (h) and (i) respectively. 15

STATEMENT OF OBJECTS AND REASONS

It has been found that when certificate for leave to appeal to the Supreme Court under article 134(1) (c) of the Constitution of India is asked for before any High Court and on its refusal, when the application for special leave to appeal is filed in the Supreme Court and on its being allowed when there is hearing for admission of the appeal in the Supreme Court, in all these three stages, practically the same argument is repeated. Not only it causes duplication of work and congestion in High Courts and Supreme Court but it entails heavy expenditure on the litigant public and much time is unnecessarily wasted. Hence this Bill.

NEW DELHI;

SUBIMAN GHOSE.

The 12th February, 1958.

BILL No. 71 OF 1958

A Bill to provide for and to regulate the colouring of vanaspati so as to prevent it from being used as an adulterant of ghee.

Be it enacted by Parliament in the Ninth Year of Republic of India as follows:

Short title,
extent and
commencement.
Act, 19

1. (1) This Act may be called the Colouring of Vanaspati

(2) It extends to the whole of India. 5

(3) It shall come into force on such date as the Central Government may by Notification in the Official Gazette appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(i) "colouring agent" means any colouring agent, not detrimental to health, which can easily be detected by the naked eye when vanaspati containing that agent is mixed with ghee.

(ii) "Vanaspati" includes any hydrogenated oil or fat used for edible purposes.

Punishment
for Manu-
facture of
Vanaspati
without
using colour-
ing agent.

3. (1) No person shall manufacture vanaspati without using colouring agent. 15

(2) If any person contravenes the provisions of sub-section (1), he shall be punishable with simple imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

STATEMENT OF OBJECTS AND REASONS

For centuries *ghee* has been and is an essential food medium in India for both vegetarians and non-vegetarians alike. As vanaspati resembles *ghee* in appearance and colour, it is being used on a large scale for the purpose of adulteration of *ghee* in the country by many of the *ghee* manufacturers, wholesale dealers and retailers. Consequently pure *ghee* is not available in the market inspite of high prices. This Bill seeks to make it compulsory for all Vanaspati producers to colour all brands of vanaspati in such a manner that the adulteration of *ghee* with vanaspati even in small quantities can be detected by the naked eye.

NEW DELHI;

M. K. M. ABDUL SALAM,

The 22nd May, 1958.

BILL NO. 72 OF 1958

A Bill to amend the Muslim Wakfs Act, 1954.

Be it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

Short title, extent and commencement. 1. (i) This Act may be called the Muslim Wakfs (Amendment) Act, 19⁵⁸.

(ii) It extends to the whole of India.

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(iii) It shall come into force at once.

Amendment of section 3. 2. In clause (l) of section 3 of the Muslim Wakfs Act, 1954, for the words "dedication by a person professing Islam" the words "dedication by any person professing any faith" shall be substituted.

29 of 1954.

STATEMENT OF OBJECTS AND REASONS

In the Muslim Wakfs Act, 1954 (No. 29 of 1954) "Wakf" is defined as dedication by a person "professing Islam". In the past, non-Muslim Rulers and other non-Muslim philanthropists endowed properties to Muslim institutions such as durgahs, mosques etc. As the dedications were for pious, religious and charitable purposes relating to Muslim institutions, it was immaterial whether the dedications were by persons professing Islam or by others. The object of the Bill is to bring wakfs endowed by non-Muslims also under the purview of the Act.

NEW DELHI;

M. K. M. ABDUL SALAM.

The 19th May, 1958.

BILL No. 80 of 1958

A Bill further to amend the Indian Evidence Act, 1872.

Be it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Indian Evidence (Amendment) Act, 1958.

Amendment
of Section
103.

2. To section 103 of the Indian Evidence Act, 1872, the following proviso shall be added, namely: 1 of 1872

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“Provided that where death or grievous hurt as defined in the Indian Penal Code, ensues as a result of a mechanically propelled vehicle (other than a Railway) colliding with ¹⁰ any human being or object, or as a result of such vehicle being involved in any accident or incident, the burden of proof as to the particular fact that such vehicle was being driven with due care and attention and in a manner so as not to endanger human life shall lie on the driver ¹⁵ of such vehicle.”

STATEMENT OF OBJECTS AND REASONS

With the rapid increase in the number of mechanically propelled vehicles, there has been a steep rise in fatal accidents, or collisions resulting in grievous hurt to pedestrians. Efforts to control rash and negligent driving suffer from the fact that the aggrieved party, i.e. the injured party, has to prove that there was rash and negligent driving. Usually the injured party suffers from a shock, apart from grave physical injuries, and is hardly in a position to collect witnesses on the spot to prove his case. The result is that in many cases the guilty driver of the vehicle escapes and a pedestrian has lost his life or is maimed for ever. The Bill aims at shifting the burden of proof on to the driver that he was driving the vehicle with due care and attention.

NAUSHIR BHARUCHA

The 24th July, 1958.

BILL No. 86 OF 1958

A Bill to define powers, privileges and immunities of Parliament and its Members in certain respects.

Be it enacted by Parliament in the Ninth year of the Republic of India as follows:—

Short title and commencement. 1. (1) This Act may be called the Parliamentary Privilege, Act, 1958.

(2) It shall come into force at once. 5

Article 105. 2. Without prejudice to the generality of powers contained in article 105 of the Constitution of India, the following shall be deemed to be a proceeding in Parliament:—

(a) Letters addressed by a Member of Parliament to the Presiding Officer or the Secretaries of either House of Parliament or a Minister on a public matter in the course of discharge of his duties as such member. 10

(b) Communication of such letter by a Minister to any person or body of persons or an institution in course of discharge of his duties as a Minister. 15

(c) Any reply addressed by the Minister to such letter in the course of discharge of his duties as such Minister.

3. Notwithstanding anything contained in any law for the time being in force, no member shall be liable to any proceeding in any Court in respect of anything said, communicated or done with reference to any matter contained in such letter, and no person shall be liable in respect of publication by or under the authority of either House of Parliament of any report, paper or proceeding arising from such letter. 20

STATEMENT OF OBJECTS AND REASONS

Article 105 of the Constitution of India defines the powers, privileges and immunities of Parliament and its members.

In the House of Commons in the United Kingdom recently a question arose whether a letter addressed by a member of Parliament to a Minister containing some defamatory remarks about the London Electricity Board, would be completely privileged and deny to the aggrieved person his remedy at law to bring a libel action against such member. As in this particular case the member was threatened with a libel action, he claimed protection of the Chair, which felt that there was a *prima facie* case of breach of privilege of the House.

The Committee of Privileges of the House of Commons, to which the matter was referred, held in its report that the letter written to the Minister was a "proceeding in Parliament" and that the threat by the London Electricity Board to sue, constituted a breach of privilege of Parliament.

On the 8th July, 1958 the House of Commons considered this Report and rejected it by 218 votes to 213, thus exposing the member in question to legal action on account of libel in a Court of Law.

Since the powers, privileges and immunities of the Indian Parliament are the same as those of the House of Commons of the Parliament of the United Kingdom, the net effect is that any member of Lok Sabha and Rajya Sabha writing a letter to a Minister, making a complaint against any aspect of the administration, say, against an autonomous Corporation, exposes himself to serious threat of a criminal action on a charge of defamation. This is tantamount to impeaching or questioning the freedom of speech of a member of Parliament, making it impossible for him to ventilate public grievances.

The Bill aims at removing the threat of criminal or civil action which a member of Parliament would face in bonafide discharge of his duties.

The 23rd July, 1958.

NAUSHIR BHARUCHA.

BILL No. 90 OF 1958

A Bill to amend the Territorial Councils Act, 1956.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:

Short title and commencement. 1. (1) This Act may be called the Territorial Councils (Amendment) Act, 19

(2) It shall come into force at once. 5

Amendment of section 3. 2. Sub-section (3) of section 3 of the Territorial Councils Act, 1956 (hereinafter referred to as the principal Act) shall be omitted. 103 of 1956.

Amendment of section 22. 3. In section 22 of the principal Act,—

(a) In sub-section (1) the proviso shall be omitted. 10

(b) In sub-section (2) the first proviso shall be omitted.

(c) the following new sub-section shall be added at the end namely,—

“(5) The Vice-chairman of the Council shall, when he presides over the Council, be entitled to such allowances as may be fixed by the Central Government.” 15

Amendment of section 30. 4. In section 30 of the principal Act, the following new sub-section shall be added at the end namely,—

“(8) The Council shall make regulations for the clear definition of the duties, functions and responsibilities of the officers appointed by the Council.” 20

Amendment of section 36. 5. In clause (b) of section 36 of the principal Act, for the word “ten”, the words “twenty-five” shall be substituted. 20

STATEMENT OF OBJECTS AND REASONS

The object of the Bill is to make certain amendments to the Territorial Councils Act, 1956 in the light of the experience gained in the working of the Act since its coming into force on 1st January, 1957. The nomination of members to the Councils under section 3(3) of the Act has created unsettled conditions in the Councils. The share of land revenue paid to the Territorial Councils namely 10 per cent is too meagre. The Bill seeks to increase it to 25 per cent.

Hence the Bill.

NEW DELHI;
The 4th August, 1958.

LAISRAM ACHAW SINGH.

FINANCIAL MEMORANDUM

Section 5 of the Bill refers to increase in the share of the land revenue which will go to the Territorial Councils. Normally according to the original Act the share would amount to Rs. 3,45,000 and it is sought to be increased to Rs. 8,62,500. The additional payment by the Centre to the Territorial Councils is estimated at Rs. 517,500 on the basis of the revised budget estimates of 1956-57 for the Union Territories of Himachal Pradesh, Manipur and Tripura.

M. N. KAUL,
Secretary.
